

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COUNTRYWIDE HOME LOANS
SERVICING LP and/or MERS,

Plaintiff,

v.

JOSE ALEJANDRO MOREIRA ORTIZ,

Defendant.

CIVIL NO. 05-1895 (RLA)

JUDGMENT BY DEFAULT

Upon plaintiff's application for judgment, and it appearing from the return of the United States Marshal or process server filed in this case that Defendant was served with a copy of the complaint and summons; and

It further appearing that Default was entered by the Clerk of this Court against Defendant for his failure to plead, or file an answer to the complaint or otherwise appear in the above cause, against which Defendant plaintiff is entitled to a judgment by default; and

The Court being fully advised of the facts, it is

HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The mortgage constituted by defendant by deed number 529, before Notary Public Manuel Rivera Meléndez, at San Juan, Puerto Rico, on December 29th, 2000 securing a mortgage note payable to the order of Beneficial Mortgage Corporation, further negotiated or endorsed to the order of plaintiff, is a valid and subsisting

CIVIL NO. 05-1895 (RLA)

Page 2

mortgage and constitutes a lien prior to the estate or interest of Defendant in the above cause, on the mortgaged premises, as described in paragraph seventh of the complaint on file in the above cause, to wit:

URBANA: Solar que radica en la Calle Rosendo Matienzo Cintrón de la Municipalidad de Luquillo, Puerto Rico, compuesto de 205.94 metros cuadrados. En lindes: por el NORTE, en 8.63 metros, con la Calle Rosendo Matienzo Cintrón; por el SUR, en 8.25 metros, con solar municipal ocupado por el Licenciado Nevárez; por el ESTE, en 24.40 metros, con solar ocupado por Luis Figueroa; y por el OESTE, en 24.4 metros, con solar ocupado por la Sucesión Tudela. Sobre dicho solar enclava una casa terrera dedicada a vivienda en bloques y hormigón y concreto que mide 48'0"de largo por 20'6"de ancho, que contiene las siguientes comodidades: sala, comedor, cuatro habitaciones, servicio sanitario, balcón.

Inscrita al Folio 37 del Tomo 53 de Luquillo, Registro de la Propiedad de Puerto Rico, Sección de Fajardo. Finca 1,921.

2. Defendant, as debtor under the aforementioned note and as present owner of the land and buildings hereinbefore referred to, is hereby ORDERED and ADJUDGED to pay plaintiff the sum of \$72,767.16 of principal, plus interest at the rate of 8% per year, which by December 31st, 2005 will be \$5,199.88, plus costs, charges, disbursements and attorneys' fees, plus all expenses and advances made by plaintiff.

3. In default of the payment of the sums herein before specified or of any part thereof, within the next ten (10) days from the date of entry of this judgment, the mortgaged property described in paragraph one hereof, shall be sold at public

CIVIL NO. 05-1895 (RLA)

Page 3

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auction to the highest bidder therefor, without an appraisal or right of redemption for the payment and satisfaction of plaintiff's mortgage within the limits secured thereby.

4. The U.S. MARSHAL is hereby designated and appointed to make the hereinbefore mentioned sale but said U.S. MARSHAL shall not proceed to carry out said sale, nor do anything in connection therewith, until further order of this Court and under the terms and conditions to be directed by the Court.

5. The sale to be made by the U.S. MARSHAL appointed herein shall be subject to the confirmation of this Court, and the purchaser or purchasers thereof shall be entitled to receive possession of the property sold. The minimum bid to be accepted at the first public sale in accordance with the mortgage deed referred to in this auction is \$69,400.00.

6. Any funds derived from the sale to be made in accordance with the terms of this judgment and such further orders of this Court shall be applied as follows:

a. To the payment of all proper expenses attendant upon said sale, including the expenses, outlays and compensation of the U.S. MARSHAL appointed herein, after said compensation and expenses shall have been fixed and approved by this Court, all said expenses to be deducted from the sum of \$69,400.00, provided in the deed of

CIVIL NO. 05-1895 (RLA)

Page 4

mortgage for costs, charges and disbursements, expenses and attorneys' fees.

b. To the payment of all expenses and advances made by the plaintiff for an amount not to exceed \$6,940.00.

c. To the payment of that part of the indebtedness owed to plaintiff up to the amount of \$72,767.16 of principal with interest, which by December 31st, 2005, will total \$5,199.88, until the date of full payment, at the rate of 8% per year, plus costs, charges, disbursements, expenses and attorneys' fees due in the above cause, after deduction of the expenses mentioned in the preceding subparagraph (a).

d. If after making all the above payments there shall be a surplus, said surplus shall be delivered to the Clerk of this Court, subject to further orders of the Court.

7. Plaintiff in this proceeding may apply to this Court for such further orders as it may deem advisable to its interest, in accordance with the terms of this judgment.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 21st day of December, 2005.

S/Raymond L. Acosta
RAYMOND L. ACOSTA
United States District Judge